

REMARKS

Reconsideration of the Application respectfully is requested. For the reasons indicated hereafter, the Application is urged to be in condition for allowance.

A Petition for Extension of Time (three months) with the appropriate fee is being filed concurrently herewith. As requested by the Examiner, a computer readable copy of the Sequence Listing and a Declaration Pursuant to 37 C.F.R. §§ 1.821-1.825 also are provided.

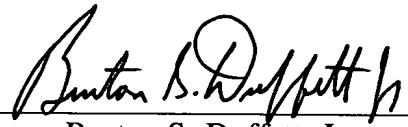
As requested in the Official Action, additional botanical information concerning the 'RLJCC1' variety has been diligently sought and is provided in the Substitute Specification to the extent available. The title has been amended as suggested by the Examiner. The 'RLJCC1' varietal denomination has been retained in order to be consistent with the original name. Applicants respectfully point out that it is a common practice within the plant industry for grasses to bear varietal denominations that consists solely of letters and numbers. Also, the more recent 1995 International Code of Nomenclature for Cultivated Plants is not believed to include Article 31A(a) that was quoted in the Official Action. It respectfully is submitted that those skilled in plant science will have no difficulty in identifying plants of the 'RLJCC1' variety in view of Applicants' detailed Specification and photographs. The withdrawal of the rejection under 35 U.S.C. § 112 is urged to be in order and is respectfully requested.

If there is any remaining point that requires clarification prior to allowance, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 9, 2003

By: 

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